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In re Application of :
BOEHM, Jeffrey C. et al. :
Application No.: 10/511,770 :
PCT No.: PCT/US03/12127 :
Int. Filing Date: 18 April 2003 :
Priority Date: 19 April 2002 :
Docket No.: P51339 :
For: NOVEL COMPOUNDS :
NOTIFICATION
OF A
DEFECTIVE RESPONSE

This decision is in response to applicants' "Response to Notification of Missing Requirements," filed in the United States Patent and Trademark Office on 21 September 2005.

On 23 June 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required. It indicated that the declaration submitted by applicants did not identify the application to which it was directed and required the fee for late submission of the oath or declaration.

Applicants argue that they submitted a declaration in the international phase and it is therefore identified by the international application number and filing date. Applicants are not correct. The fee for late furnishing of the oath or declaration will be charged to deposit account no. 19-2570, as authorized.

The declaration submitted in the international phase under Rule 4.17 does not satisfy 37 CFR 1.497(a)-(b), as it was submitted under Rule 26ter, but did not identify the application to which it was directed. The text of the declaration reads "This application is directed to international application No. PCT/ (If furnishing the declaration pursuant to Rule 26ter)." Applicants submitted the declaration pursuant to Rule 26ter, but did not fill out the declaration for submission under Rule 26ter.

An oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required within a time limit of **ONE (1) MONTH** from the mail date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form PCT/DO/EO/905), whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136(a), but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months. **FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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